

Message Text

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ACTION DLOS-04

INFO OCT-01 EUR-12 ISO-00 SS-15 PM-04 SP-02 L-03 EB-07

PRS-01 H-02 IO-11 OES-03 OFA-01 SAL-01 INR-07 /074 W
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R 031758Z FEB 76

FM USMISSION GENEVA
TO SECSTATE WASHDC 7935
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L GENEVA 0770

STADIS//////////

DEPT PASS DOD

E.O. 11652: GDS
TAGS: PLOS
SUBJ: LOS-POLLUTION

BEGIN SUMMARY: SOVDEL PRESENTED QUOTE PACKAGE DEAL UNQUOTE
TO RESOLVE OUTSTANDING DIFFERENCES BETWEEN US ON POLLUTION
ARTICLES. END SUMMARY.

1. AT REQUEST SOVIET AMB. KOLOSSOVSKY, AMB. LEARSON
AND USDEL MET WITH SOVDEL TO HEAR SOVIET PROPOSALS TO
RESOLVE VESSEL-SOURCE POLLUTION ISSUES BETWEEN US.
KOLOSSOVSKY UNDERSTOOD THAT WE WOULD HAVE TO STUDY IDEAS
CAREFULLY, AND WOULD LIMIT OURSELVES TO ASKING QUESTIONS
AT MEETING.

2. POINTS PROPOSED BY KOLOSSOVSKY ARE:

(A) AGREEMENT ON FLAG-STATE PRE-EMPTION OF CRIMINAL
PROCEEDINGS (BUT NOT CIVIL DAMAGE SUITS) IF IT COMMENCES
PROCEEDINGS WITHIN SIX MONTHS. THIS POINT HEAVILY
STRESSED. IN RESPONSE TO OUR QUESTION ABOUT SOVIET
OPINION ON LATEST EVENSEN PROPOSAL ON THIS ISSUE,
KOVALEV SAID SOVIETS STILL STUDYING IT. PREEMPTION
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WOULD NOT APPLY IF VIOLATION OCCURRED IN TERRITORIAL SEA.

(B) COASTAL STATE DUMPING RIGHTS WOULD BE LIMITED TO ECONOMIC ZONE, AND NOT INCLUDE THE SHELF BEYOND.

(C) COASTAL STATE WOULD HAVE RIGHT TO FIX CONSTRUCTION STANDARDS IN TERRITORIAL SEA PROVIDED INNOCENT PASSAGE PRESERVED.

(D) NO RPT NO COASTAL STATE ARREST POWERS BEYOND THE TERRITORIAL SEA FOR VIOLATION OF INTERNATIONAL DISCHARGE STANDARDS.

(E) COMPULSORY DISPUTE SETTLEMENT FOR POLLUTION.

(F) CONTINUED DISCUSSION ON VULNERABLE ARTICLE.

3. KOLOSSOVSKY'S PRESENTATION INDICATED THAT SOVIETS WOULD REGARD DEAL AS FINAL, AND THAT BOTH DELEGATIONS WOULD "FIGHT TO THE END" ON THESE POINTS. HE MADE NO REFERENCES TO NEGOTIABILITY.

4. COMMENT: SOVIETS SEEM TO REGARD POINTS (A) AND (D) AS US CONCESSIONS AND ARE PLAYING THE OTHERS AS SOVIET CONCESSIONS. SOVIETS HAVE PREVIOUSLY ENDORSED POINT (E), ALBEIT WITH SOME AMBIGUITY. IT IS ALSO POSSIBLE THAT SOVIETS HAVE BEEN PERSUADED BY OUR ARGUMENTS ON POINT (B), AND THAT TRADITIONALLY BROAD SOVIET VIEW IN PRACTICE OF ITS POWERS IN ITS OWN TERRITORIAL SEA IS FINALLY MANIFESTING ITSELF IN POINT(C). POINT (A) OF COURSE IS STRONGLY OPPOSED DOMESTICALLY IN THE US AS IT AFFECTS PORT STATE ENFORCEMENT, AND POINT (D) RUNS EXACTLY COUNTER TO THE TREND AMONG MODERATES TOWARD A COMPROMISE BEYOND THE TERRITORIAL SEA ON EXCLUSIVELY INTERNATIONAL STANDARDS (SUBJECT TO ACCEPTABLE VULNERABLE AREA PROVISION FOR ARCTIC) WITH LIMITED COASTAL STATE ENFORCEMENT POWERS.DALE

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